

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 32, 37, and 43 have been amended. Support for the amendments can be found in Claim 1 and in paragraphs [0057] and [0058] of the published specification. No new matter has been added. Claims 1, 2, 4, 6-10 and 31-46 remain pending in this application.

I. Entry of Claim Amendments

Despite the finality of the Office Action, Applicants respectfully request entry of the claim amendments as such amendments do not require an additional search by the Examiner. Claims 32, 37, and 43 have been amended to recite that “the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer” (emphasis added). Applicants respectfully submit that such elements should have been encompassed in the Examiner’s previous search and consideration of Claim 1, which recites, in part, “a server computer having an associated wireless transmitter, wherein the server computer is programmed to ... cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with a portable device at the predetermined future time.”

II. Rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a)

On page 3 of the Office Action, Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065564 to Sheriff et al. (hereinafter “Sheriff”) in view of U.S. Patent No. 7,245,649 to Haartsen (hereinafter “Haartsen”) and U.S. Patent Application Publication No. 2004/0152450 to Kouznetsov et al. (hereinafter “Kouznetsov”). Applicants respectfully traverse the rejection.

Independent Claim 1 recites, in part, that “the server computer is programmed to: receive, from a user interface, a predetermined future time selected by a user at which an automatic

process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time” (emphasis added). Amended independent Claim 32 recites, in part, that “the wireless receiver subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... , wherein the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer” (emphasis added). Although different in scope, independent Claims 37 and 43 recite similar elements. Applicants respectfully submit that Sheriff, Haartsen, and Kouznetsov, alone or in combination, fail to disclose, teach, or suggest such elements.

On page 6 of the Office Action, the Examiner acknowledged that Sheriff and Haartsen do not teach “receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated.” Instead, the Examiner relied on Kouznetsov for its alleged disclosure of such an element, specifically citing “sections 0017 lines 1-4, 0018 lines 1-4” of Kouznetsov. Applicant respectfully disagrees with the Examiner’s characterization of Kouznetsov.

Kouznetsov is directed to a “messaging system [that] provides dynamic polling of a message server” (Abstract). Kouznetsov discloses a “messaging system” that includes “computers 20 and 28” controlled by “users 16 and 18” and a “central server 12” that manages messaging between “computers 20 and 28” (see paragraphs [0010] and [0011]; Figure). Paragraph [0012] of Kouznetsov discloses that “computers 20 and 28” include “messaging software application 50.” Paragraph [0013] of Kouznetsov states (with emphasis added):

The messaging system 11 of the present invention ... operates using a message polling technique, where the users’ messaging software application, such as software 50 or 52, polls or “calls” the server 12 to determine if message intended for that user are waiting to be delivered.

Paragraphs [0017] and [0018] of Kouznetsov state:

Individual users can also create a schedule of when to poll for new messages. This allows server 12 to be polled only during the times and days of the week selected by the user, which permits a user to configure message software applications to run on different computers (e.g. home and office) without conflicts, as each computer will only get messages sent within scheduled polling intervals assigned to that particular computer.

Although server 12 operates in a stateless manner, it is of course possible to implement a peer to peer messaging system that maintains open communication sockets between users. Based on user activity, messaging system 11 could implement whichever connection was best suited to the current activity of the users, with such decision being made by either server 12 or the application, e.g., software 50 or 52, residing on the users' computer.

As such, Kouznetsov discloses that the users' "computers 20 and 28" poll "central server 12." Kouznetsov further discloses that a "schedule of when to poll" may also be created by the users. This schedule appears to be created and maintained at the client/users' "computers 20 and 28" (which performing the polling). Kouznetsov fails to provide any indication that "central server 12" "receives, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated" and "causes the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time," as recited in Claim 1, or that "the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer," as recited ins 32, 37, and 43 (emphasis added). A client computer that polls a server computer at scheduled times is not the same as a "server computer" that "receives, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated" and "causes the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time," as claimed.

For at least the foregoing reasons, Applicants respectfully request submit that the combination of Sheriff, Haartsen, and Kouznetsov fails to disclose, teach, or suggest at least one element recited in each of independent Claims 1, 32, 37, and 43 (and their associated dependent

claims). Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a).

III. Rejection of Claim 31 under 35 U.S.C. § 103(a)

On page 12 of the Office Action, Claim 31 was rejected under 35 U.S.C. § 103(a) over Sheriff, Haartsen, and Kouznetsov *et al.* in view of U.S. Patent Application Publication No. 2004/0029621 to Karaoguz *et al.* (hereinafter “Karaoguz”). Applicants respectfully traverse the rejection.

Claim 31 depends from independent Claim 1. As discussed above, the combination of Sheriff, Haartsen, and Kouznetsov fails to disclose, teach, or suggest at least one element recited in Claim 1. Likewise, Karaoguz also fails to disclose, teach, or suggest a “server computer ... configured to receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time,” as recited in Claim 1 (emphasis added). . Accordingly, the combination of Sheriff, Haartsen, Kouznetsov, and Karaoguz also fails to disclose, teach, or suggest at least one element recited in Claim 1 and Claim 31, which depends from Claim 1.

Applicants therefore respectfully request withdrawal of the rejection of Claim 31 under 35 U.S.C. § 103(a).

IV. Rejection of Claims 40 and 44 under 35 U.S.C. § 103(a)

On page 13 of the Office Action, Claims 40 and 44 were rejected under 35 U.S.C. § 103(a) over Sheriff, Haartsen, and Kouznetsov in view of U.S. Patent No. 5,812,942 to Allen *et al.* (hereinafter “Allen”). Applicants respectfully submit that the rejection is moot in view of the amendments to independent Claims 37 and 43. Applicants respectfully traverse the rejection.

Claims 40 and 44 depend from independent Claims 37 and 43, respectively. Like Sheriff, Haartsen, and Kouznetsov, Allen also fails to disclose, teach, or suggest that “the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer.” as recited ins 37 and 43 (emphasis added). Thus, the combination of Sheriff, Haartsen, Kouznetsov, and Allen also fails to disclose, teach, or suggest at least one element recited in each of Claims 40 and 44.

Applicants therefore respectfully request withdrawal of the rejection of Claims 40 and 44 under 35 U.S.C. § 103(a).

V. Rejection of Claims 42 and 46 under 35 U.S.C. § 103(a)

On page 14 of the Office Action, Claims 42 and 46 were rejected under 35 U.S.C. § 103(a) over Sheriff, Haartsen, and Kouznetsov in view of U.S. Patent Application Publication No. 2002/0066018 to Linnartz (hereinafter “Linnartz”). Applicants respectfully traverse the rejection.

Claims 42 and 46 depend from independent Claims 37 and 43, respectively. Like Sheriff, Haartsen, and Kouznetsov, Linnartz also fails to disclose, teach, or suggest that “the synchronization of the content is performed at a predetermined time specified by a user in response to a comandand from the server computer.” as recited in Claims 37 and 43. Thus, the combination of Sheriff, Haartsen, Kouznetsov, and Linnartz also fails to disclose, teach, or suggest at least one element recited in each of Claims 42 and 46.

Applicants therefore respectfully request withdrawal of the rejection of Claims 42 and 46 under 35 U.S.C. § 103(a).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicants respectfully request consideration and allowance of all pending claims.

It should also be noted that although arguments have been presented with respect to certain claims herein, the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons. Further, the failure to address any statement by the Examiner herein should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding, and to rebut any statement presented by the Examiner in this or other papers during prosecution of the present Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: October 24, 2011

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4466
Facsimile: (608) 258-4258

By 

Nicholas M. Lagerwall
Attorney for Applicants
Registration No. 63,272